

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(FT. LAUDERDALE DIVISION)**

MONARCH AIR GROUP, LLC,
A Florida Limited Liability Company,
Plaintiff,

CASE NO.: **23-cv-61256-JB**

v.

JOURNALISM DEVELOPMENT
NETWORK, INC., a Maryland Corporation,

Defendant.

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION FOR
LEAVE TO FILE REPLY IN SUPPORT OF ITS OBJECTIONS TO MAGISTRATE’S
REPORT AND RECOMMENDATION [D.E. 181]**

Plaintiff, Monarch Air Group, LLC (“Monarch”), responds in opposition to Journalism Development Network, Inc.’s (“JDN”) Motion For Leave To File Reply In Support Of Its Objections To Magistrate’s Report And Recommendation [D.E. 181] (“Motion”).

1. JDN has already fully briefed these issues on three separate occasions: (1) in its original Motion for Partial Judgment on the Pleadings [D.E. 95], (2) in its Reply to Monarch’s Response in Opposition [D.E. 114], and (3) Objections to the Magistrate’s Report and Recommendations [D.E. 173]. Pursuant to S.D. Local Mag. J. R. 4(b)(emphasis added), **a reply is not contemplated or permitted** as to Monarch’s Response in Opposition to JDN’s Objections to the Report and Recommendation [D.E. 180].

2. JDN’s request for yet another bite at the apple is unnecessary and unwarranted. The parties have already provided this Court with more than sufficient briefing to decide the issues raised in the Objections. A reply would serve no purpose other than to give JDN a chance to rehash points or introduce new arguments that could have been made earlier but were not.

3. Moreover, JDN’s Motion confirms its real aim: to backfill and “clarify” on arguments not fully presented to the Magistrate Judge or adequately developed in its Objections. [D.E. 181 at ¶3]. That tactic mirrors the same improper approach JDN attempted

when filing its Objections, which improperly raised new points for the first time after the Magistrate Judge's thorough and well-reasoned Report and Recommendation. This is precisely the type of piecemeal briefing that the Local Mag. J. R. 4(b) is designed to prevent.

4. The Court has everything it needs to resolve JDN's Objections: JDN's original motion and reply, the detailed and careful Report and Recommendation, and Monarch's thorough Response in Opposition. No additional filing will materially assist the Court. To the contrary, JDN's proposed reply would only prolong resolution and multiply briefing on an issue that has been exhaustively argued. And that delay may cause JDN's motion to be untimely under Rule 12(c) because the Court's time spent resolving the motion would take away from its time to resolve the Parties' forthcoming summary judgment motions and would delay trial.

5. Monarch would also be prejudiced in that JDN would be allowed to four memoranda to support its judgment on the pleadings arguments and Monarch would only get two opportunities to present its arguments.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court deny JDN's Motion, and grant such other and further relief as the Court deems just.

[CERTIFICATE OF SERVICE ON FOLLOWING PAGE]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed and served via the CM/ECF filer on June 19, 2025 to: Dana J. McElroy, dmcelroy@tlolawfirm.com; Thomas & LoCicero PL 915 Middle River Drive, Suite 309 Fort Lauderdale, FL 33304; James J. McGuire, Esq., jmcguire@tlolawfirm.com; Daniela Abratt-Cohen, Esq., dabratt@tlolawfirm.com; Thomas & LoCicero PL 601 South Boulevard Tampa, FL 33606.

Respectfully submitted,

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